

REMARKS

This is in response to the Office Action dated October 19, 2009. To summarize, Claims 36-41 and 46 are amended herein, Claim 50 is added herein, and Claims 42-45 are cancelled. Claims 37-41 and 46 are amended herein solely for clarification purposes.

Claims 40, 41 and 44-49 stand rejected under 35 USC §112, second paragraph, as indefinite. With respect to Claim 40, same now refers to "said one of said two adjacent ones of said wires" and "said other of said two adjacent ones of said wires". Antecedent basis for this language is provided in Claim 36 from which Claim 40 depends. Specifically, Claim 36 recites "each said metal cable being interposed between two adjacent ones of said wires in said array and being intertwined with one of said two adjacent ones of said wires on one side of said metal cable and intertwined with the other of said two adjacent ones of said wires on the other side of said metal cable". Thus, the language "said one of said two adjacent ones of said wires" in Claim 40 refers back to the wire corresponding to the "one of said two adjacent ones of said wires" as recited in Claim 36, and the language "said other of said two adjacent ones of said wires" in Claim 40 refers back to the wire corresponding to the "other of said two adjacent ones of said wires" as recited in Claim 36.

Claim 44 is cancelled, rendering the rejection under 35 USC §112, second paragraph moot.

As to Claim 41, same now recites "having a portion disposed longitudinally between two longitudinally-adjacent intertwining regions". This language is intended to define the area between two adjacent intertwining regions. For example, with reference to Figures 3, 4 and 6-9, this area is located vertically (in these drawings) between two vertically-adjacent intertwining regions. The claim language in question utilizes the longitudinal direction (instead of the vertical direction) in the claims for purposes of breadth. Thus, the cable or wire recited in Claim 41 which extends transversely

has a portion which is located longitudinally between two longitudinally-adjacent intertwining regions. The cable or wire thus extends in a direction transverse to the longitudinal direction, but has a portion which is located longitudinally between two longitudinally-adjacent intertwining regions. This language is not intended to indicate that the cable or wire itself extends longitudinally, but has a portion which is located longitudinally between two longitudinally-adjacent intertwining regions. Further, this "portion" is indicated on the attached marked-up copy of Figures 3 and 4 (marked "Explanatory Figures"), and can also be seen in Figures 6-9.

Claim 46 is amended herein to recite that the metal cable or wire is "disposed between two longitudinally-adjacent and longitudinally spaced-apart intertwining regions so as to be intertwined with non-twisted portions of said wires extending longitudinally between said two longitudinally-adjacent and longitudinally spaced-apart intertwining regions". This arrangement of the transverse cable or wire is also depicted by Figures 3, 4 and 6-9.

Claim 46 stands rejected under 35 USC §102 as anticipated by Vancraeynest (U.S. Patent No. 6 168 118). Vancraeynest '118 discloses a mat 1 for reinforcing the top layer of the ground or a road. The mat 1 is a woven or braided mat with hexagonal meshes created by twisting two longitudinal wires 2 and 3 with one another. Reinforcement elements 4 are fitted into the torsions of the wires 2 and 3 at regular intervals transverse to the mat 1. As clearly shown in Figure 1 of '118, the reinforcement element 4 extends through, i.e. it is inserted into, the twisted portions of wires 2 and 4. In contrast, Claim 46 recites "a metal cable or wire extending in a direction transverse to said array of longitudinally-extending wires and being disposed between two longitudinally-adjacent and longitudinally spaced-apart intertwining regions so as to be intertwined with non-twisted portions of said wires extending longitudinally between said two

longitudinally-adjacent and longitudinally spaced-apart intertwining regions". In the '118 patent, the reinforcement element 4 extends through the intertwining regions of the two wires 2 and 3, and thus is not disposed between two longitudinally-adjacent and longitudinally spaced apart intertwining regions of the wires 2 and 3, and is not intertwined with non-twisted portions of wires 2 and 3 which extend longitudinally between these intertwining regions. Claim 46 therefore is believed to patentably distinguish over Vancraeynest '118.

Claims 46-49 stand rejected under 35 USC §102 as anticipated by Thommen (U.S. Patent No. 5 524 875). Thommen '875 discloses a unit 1 including a plurality of woven net panels 2 which form a safety net system. Columns or posts 3 are disposed upright in the ground or bedrock 4, with the net panels 2 being disposed between the columns 3. Chain link fencing material 5 is secured to the net panels 2 on the uphill side thereof. Continuous top and bottom support ropes 6 and 7 extend from an anchor means 8. The end net panels 2 are provided with an end support rope 15, the ends of which are secured to the top and bottom support ropes 6 and 7, while the net panels 2 themselves are secured to the end support ropes 15 and to the top and bottom support ropes 6 and 7 by seam ropes 16. Column 5, lines 11-15 of '875 disclose that the chain link fencing 5 is secured to the net panel 2 by clips.

Claim 46 recites "an array of longitudinally-extending wires arranged in side-by-side relation with one another, adjacent pairs of said wires being intertwined with one another at intertwining regions defined by portions of the respective said wires which are twisted around one another; and a metal cable or wire extending in a direction transverse to said array of longitudinally-extending wires and being disposed between two longitudinally-adjacent and longitudinally spaced-apart intertwining regions so as to be intertwined with non-twisted portions of said wires extending

longitudinally between said two longitudinally-adjacent and longitudinally spaced-apart intertwining regions as said metal cable or wire extends transversely across said array".

The Examiner equates the rope 6 in '875 with the "metal cable or wire" recited in Claim 46. This rope 6, as discussed above, is secured to the net panels 2 via seam rope 16 which appears to be wound around the rope 6 and the top of the net panel 2. Thommen '875 teaches that chain link fencing 5, which the Examiner equates with the "array of longitudinally-extending wires" recited in Claim 46, is attached to the net panel 2 by clips. There is no disclosure whatsoever in Thommen that the rope 6 is disposed between two longitudinally-adjacent and longitudinally spaced-apart intertwining regions of this chain link fencing 5, or that the rope 6 is intertwined with non-twisted portions of the fencing 5 which extend longitudinally between such intertwining regions as the rope 6 extends transversely across the net panels 2. Thommen does not show any particular relationship between the rope 6 and the fencing 5. Claim 46 is therefore believed allowable over Thommen.

Claims 47-49 and new Claim 50 depend from what is believed to be an allowable Claim 46, are believed allowable therewith, and include additional features which further distinguish over Thommen. For example, Claim 50 recites "said metal cable or wire is a first metal cable and said protective wire net further comprises a longitudinally-extending second reinforcing metal cable disposed between two adjacent ones of said wires in said array, said second reinforcing metal cable being intertwined with one of said two wires on one side of said second reinforcing metal cable and intertwined with the other of said two wires on the other side of said second reinforcing metal cable". Thommen discloses no such reinforcing metal cable.

Claims 36, 37, 39-42, 44 and 45 stand rejected under 35 USC §103 as obvious over Riviere (U.S. Patent No. 1 401 557) and Vancraeynest '118. The '557 patent teaches hexagonal

meshes of fabric formed by wires 24 and 25 which are twisted together, and reinforcing wires 27 which extend through the fabric and are twisted together with the wires 24 and 25. The Examiner states that Riviere does not disclose the cable being metal and a second metal cable or wire, and cites Vancraeynest '118 for this purpose.

Claim 36 recites:

"an array of elongate and longitudinally-extending elements comprising wires and metal cables arranged in side-by-side relation with one another, adjacent pairs of said elements being intertwined with one another at intertwining regions defined by portions of the respective said elements which are twisted around one another, each said intertwining region consisting essentially of a pair of said elements intertwined with one another, said pair of said elements consisting essentially of either two of said wires or one of said wires and one of said metal cables, each said metal cable being interposed between two adjacent ones of said wires in said array and being intertwined with one of said two adjacent ones of said wires on one side of said metal cable and intertwined with the other of said two adjacent ones of said wires on the other side of said metal cable"

In contrast, Riviere's intertwining regions have three elements intertwined with one another, i.e. the wires 24 and 25 and the reinforcing wire 27. This three-wire twisted structure as taught in Riviere '557 is difficult to manufacture, is expensive and results in bulky nodes where the three wires are intertwined (see Figure 1 of '557). Vancraeynest '118 does not cure this deficiency of Riviere, and thus Claim 36 patentably distinguishes over these two references.

Claims 37 and 39-41 depend from what is believed to be an allowable Claim 36, are believed allowable therewith, and

include additional features which further distinguish over Riviere and Vancraeynest.

Claims 42, 44 and 45 are cancelled herein, rendering the rejection thereagainst moot.

Claims 36, 38, 42 and 43 stand rejected under 35 USC §103 as obvious over Zaccheroni (U.S. Patent No. 4 394 924) in view of Riviere '557. Zaccheroni is directed to a process for making a gabion provided with an inner partition. The gabion 1 disclosed in Zaccheroni has a base panel 2, and a pair of articulated panels 3 are connected to opposite longitudinal edges of base panel 2 and form the lateral walls of the gabion 1. A diaphragm 4 subdivides the interior of the gabion 1 into two equal cells and is articulated to a part of base panel 2 which is intended to define the bottom of the gabion 1. The diaphragm 4 is prefabricated so as to have reinforcing wires along its edges 5, 6 and 7, which edges are intended for connection to the opposite longitudinal walls and the lid formed by folding of the base panel 2 during erection of the gabion 1. The lower edge of the diaphragm 4 is joined to the base panel 2 and has a marginal row 13 of hexagonal meshes, as shown in Figures 3-5. Wires 17 and 18 are twisted together to form diaphragm 4, and ends 15 and 16 of these wires are bent inwardly as shown in Figure 5 to form a double-hook structure along row 13. In Figures 3 and 4, one can see the reinforcing wire 5 which defines the upright side edge of diaphragm 4, although wire 5 is not numbered in Figure 4.

The Examiner states that Zaccheroni does not disclose a longitudinally-extending cable interposed between two of the wires in the array disposed adjacent one another, and cites Riviere '557 to cure this deficiency, since '557 teaches a longitudinally-extending cable 27. There is believed to be no motivation to combine these two references. Further, even if one were to combine the references, the invention as defined by Claim 36 would not result. Specifically, if Zaccheroni's structure (as best shown in Figure 3 of '924) were modified to include Riviere's reinforcing wire 27, taking the teachings of

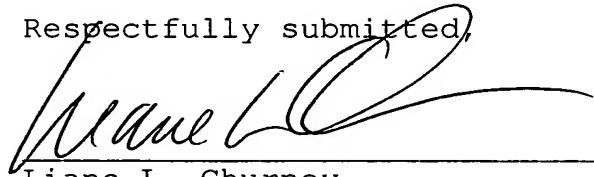
the two references as a whole as is required, the result would be twisting Riviere's wire 27 together with wires 15 and 16 of Zaccheroni. This modified structure would therefore necessarily include three wires at each intertwining region, in contrast with Claim 36 which recites "each said intertwining region consisting essentially of a pair of said elements intertwined with one another, said pair of said elements consisting essentially of either two of said wires or one of said wires and one of said metal cables". Claim 36 is therefore believed to patentably distinguish over Zaccheroni and Riviere.

Claim 38 depends from what is believed to be an allowable Claim 36, is believed allowable therewith, and includes additional features which further distinguish over Zaccheroni and Riviere.

Claims 42 and 43 are cancelled, thereby rendering the rejection thereagainst moot.

In view of the above, the instant application is believed to be in condition for allowance, and action toward that end is respectfully requested.

Respectfully submitted,



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Encl: Explanatory Figures
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